

CHAPTER 94: WEEDS

Section

Control of Tall Weeds, Grass and Brush

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CONTROL OF TALL WEEDS, GRASS AND BRUSH

§ 94.01 TITLE.

This subchapter shall be referred to as the Tall Grass and Tall Brush Control Ordinance and shall apply to all property within the Village of Pinckney.

(Ord. 73, passed 7-10-2006)

§ 94.02 PURPOSE AND INTENT.

It is the intent of this subchapter to control and eradicate tall weeds, tall grass and tall brush within the Village of Pinckney, to impose obligations upon the owner, agent or occupant of lots or parcels with respect to control and eradication, to implement enforcement of the obligations by lien on the lots or parcels involved, to permit officials of the Village of Pinckney to enter upon property for the enforcement of the control and eradication efforts and further to appoint a commissioner of weeds, grass and brush control, to define their powers, duties and compensation as determined.

(Ord. 73, passed 7-10-2006)

§ 94.03 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

APPROVED STREET. Any platted or un-platted street or highway, road or right-of-way, maintained or not maintained.

COMMISSIONER OF TALL WEEDS, TALL GRASS AND TALL BRUSH CONTROL or **COMMISSIONER.** The Department of Public Works Director or the Director's designee.

LOT. A parcel or parcels that are continuous and located within the Village of Pinckney as identified on the tax rolls for the County of Livingston, including the unpaved portion of any public right-of-way or easement immediately adjacent thereto.

OTHER PLANTS. Those recognized as deleterious to health, safety or public welfare and recognized as a common nuisance.

OWNER. The person(s) listed on the current property tax roll.

PARCEL. Any lot of land located within the Village of Pinckney as identified on the tax rolls for the County of Livingston, including the unpaved portion of any public right-of-way or easement immediately adjacent thereto.

TALL BRUSH. Any brush exceeding three feet in height.

TALL GRASS. Any grass exceeding nine inches in height.

TALL WEEDS. Any weed exceeding nine inches in height.

VILLAGE. The Village of Pinckney.

VILLAGE COUNCIL. The Village of Pinckney Council.

(Ord. 73, passed 7-10-2006; Ord. 120, passed 7-8-2013)

§ 94.04 APPLICATION OF ORDINANCES.

This subchapter shall apply to and cover **TALL WEEDS, TALL GRASS** and **TALL BRUSH**, as defined above, found growing in the Village of Pinckney.

(Ord. 73, passed 7-10-2006)

§ 94.05 VIOLATION TO PERMIT TALL WEEDS, GRASS AND BRUSH; PUBLIC NUISANCE.

(A) It shall be a violation of this subchapter for any owner, occupant, agent or other person having control or management of any lot or parcel within the Village of Pinckney of one acre or less in size to cause or permit to grow on the lot or parcel any tall weeds, tall grass and/or tall brush.

(B) On lots or parcels in excess of one acre in size within the Village of Pinckney, it shall be a violation of this subchapter for any owner, occupant, agent or other person having control or management of the lots or parcels to cause or permit to grow on the lots or parcels any tall weeds, tall grass and/or tall brush within 50 feet of any occupied dwelling, or within 50 feet of an approved street, road or highway right-of-way.

(C) The presence of tall weeds, tall grass or tall brush upon any lots or parcels contrary to this subchapter is hereby deemed to be detrimental to the public health, safety and welfare and shall constitute a public nuisance.

(Ord. 73, passed 7-10-2006) Penalty, see § 94.99

§ 94.06 EXEMPTIONS.

(A) Exempted from the provisions of this subchapter are:

(1) Trees, flower gardens, plots of shrubbery, vegetable gardens and vegetation planted for ornamental purposes; and

(2) Lots or parcels of land devoted to growing corn or small grains such as wheat, oats, barley or rye. An exemption under the terms of division (A) above cannot be claimed unless the land has been cultivated and cared for in a manner appropriated to the exempt categories.

(B) The provisions and requirements of this subchapter shall not apply to any lands which are situated within the wetlands or floodplains of any natural lakes, ponds, streams or watercourses, or any area between the lower or upper banks of the lakes, ponds, streams or watercourses.

(C) The provisions and requirements of this subchapter shall not apply to an area designated a natural area by the village, or over which lot or parcel of land a conservation easement is recorded and in effect.

(D) The provisions and requirements of this subchapter shall not apply to an area:

(1) That by virtue of its size and location, the area would be suitable to retain in a natural state;

(2) The unique vegetation located on the proposed natural area should be preserved in a natural state to enhance the environment;

(3) The topography of the proposed natural area (such as steep slope, wetness, inaccessibility and the like) would create a substantial undue hardship to the owner were the subchapter cutting requirements strictly enforced as to the designated natural area; or

(4) Is within the village designated as parts of public recreation areas.

(E) The owners, occupants, agents and other persons having control or management of land may ask the Commissioner for an exception to this subchapter based on compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. The Commissioner is authorized to grant the exceptions.

(F) Exceptions authorized under division (E) above will be valid for one year and must be renewed each year. Exceptions will be valid from January 1 of the current year to December 31 of the current year. All exception requests granted by the Commissioner under division (E) above must be presented to the Council at its next regularly scheduled meeting, or as soon as possible.

(Ord. 73, passed 7-10-2006)

§ 94.07 DUTY OF OWNER.

It shall be the duty of all owners, occupants, agents and other persons having control or management of land on which tall weeds, tall grass and/or tall brush are found to be growing contrary to this subchapter to cut the tall weeds, tall grass and/or tall brush.

(Ord. 73, passed 7-10-2006)

§ 94.08 NOTICE.

(A) In any case in which the owner, occupant, agent or other person having control or management of any lot or parcel within the village allows the presence on any lot or parcel or on any portion of any lot or parcel of any tall weeds, tall grass and/or tall brush in violation of the provisions of this subchapter, the enforcing official shall notify the owner, occupant, agent or person having control of the lot or parcel to abate the violation within ten calendar days.

(B) The notice shall be given to the owner, occupant, agent or person having control of the land by certified mail with return receipt requested or by personal service. In addition, the village may publish a notice in a newspaper of general circulation in the village during the month of March that weeds not cut by June 1 of that year, and as necessary after each June 1 to remain in compliance with this subchapter, will be cut by the village and the owner of the property charged with the cost under the provisions of this subchapter. The village may cut weeds as many times after June 1 as is necessary to keep the lot or parcel in compliance with this subchapter and charge the cost to the property owner. Failure to publish this notice will not relieve property owners of their responsibility.

(Ord. 73, passed 7-10-2006)

§ 94.09 ABATEMENT BY VILLAGE.

If any person shall fail to comply with the provisions of this subchapter by the specified time, the village shall, through the Department of Public Works or through an independent contractor working under the Commissioner's supervision, cause all the tall weeds, tall grass and/or tall brush to be cut or destroyed upon lands of the person not complying with the provisions of this subchapter. The Commissioner shall keep an accurate account of all expense incurred with respect to each parcel of land entered upon in carrying out the provisions of this subchapter and shall make a sworn statement of the account and present it to the Village Treasurer and the Village Council.

(Ord. 73, passed 7-10-2006)

§ 94.10 DESIGNATION OF ENFORCING OFFICIAL; AUTHORITY.

The Commissioner, being the Village Department of Public Works Director, is hereby designated the enforcing official of this subchapter. The enforcing official and the official's authorized representatives, employees or agents or independent contractors, are hereby granted access to and from any land for the purpose of investigation to determine whether violations of this subchapter exist, and for the purpose of completing work necessary to accomplish the abatement of any violations of this subchapter found to exist. No person shall deny entry to or otherwise obstruct, molest or interfere with what they are investigating to determine whether violations of this subchapter exist, or are engaged in destroying weeds, as provided herein. Any person found in violation of this section shall be responsible for a municipal civil infraction, subject to payment of a civil fine as specified in the Village's Municipal Civil Infraction Ordinance.

(Ord. 73, passed 7-10-2006) Penalty, see § 94.99

§ 94.11 REIMBURSEMENT TO VILLAGE.

(A) Whenever the village shall enter upon any lot or parcel of land in order to accomplish abatement of an existing violation, pursuant to provisions of this subchapter, the Village Department of Public Works Director is hereby authorized and directed to keep an accurate account of all expenses incurred, and, based upon these expenses, to issue a certificate determining and certifying the reasonable cost involved for the work with respect to each parcel of property.

(B) Within ten days after receipt of the certificate, the Village Treasurer shall forward a statement of the total charges assessed on each parcel of property to the person as shown by the last current tax

roll and the assessment shall be payable to the Village Treasurer within 30 days from the date the statement was forwarded.

(C) The Treasurer at the end of each quarter shall report to the Village Council all sums so owing to the village and which have not been paid within 30 days after the mailing of the bill theretofore. The Council shall, at such times as it may deem advisable direct the Treasurer to prepare a special assessment roll covering all the charges reported to it. The roll shall be filed with the Clerk who shall advise the Council of the filing of the roll, and the Council shall thereupon set a date for the hearing of objections to the assessment roll. The assessment roll shall be open to public inspection for a period of seven days before the Council shall meet to review the roll and hear complaints. The Village Clerk shall give notice in advance by publication of the opening of the roll to public inspection and of the meeting of the Council to hear complaints and shall also give like notice to the owners of and persons having an interest in property affected by first class mail at their addresses as shown on the last tax roll of the village, at least ten full days prior to the date of the hearing. The special assessments and all interest and charge's thereon, shall, from the date of confirmation of the roll, be and remain a lien upon the property assessed, of the same character and effect as a lien created by general law for state and county taxes until paid. The same penalty and interest shall be paid on the assessments, when delinquent from the date after confirmation as shall be fixed by the Council, as are provided by the Village Charter to be paid on delinquent general village taxes and the assessments, with penalties and interest, shall be added by the Treasurer to the next general Village Tax Roll and shall thereafter, be collected and returned in the same manner as general village taxes.

(Ord. 73, passed 7-10-2006)

§ 94.12 APPEALS.

A person who receives a notice of violation may appeal his or her violation to the Village Council in writing or in person.

(Ord. 73, passed 7-10-2006)

§ 94.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) A person who violates any provision of §§ 94.01 *et seq.* is responsible for a municipal civil infraction set forth in Chapter 131 of this code, subject to payment of a civil fine as specified in Village's Municipal Civil Infraction Ordinance, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines.

(Ord. 73, passed 7-10-2006)